

**STATE OF RHODE ISLAND
DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES**

PUBLIC NOTICE OF PROPOSED RULE-MAKING

In accordance with Rhode Island General Law (RIGL) 42-35 and 42-72-5, notice is hereby given that the Department of Children, Youth and Families proposes to amend the following DCYF rule:

ADMINISTRATION OF THE EDUCATION PROGRAM

This rule, formerly entitled Education: Administration, is being amended in compliance with the federal court order relating to RI Training School residents, the accreditation standards of the American Correctional Association (ACA) for Juvenile Training Schools and Juvenile Detention Facilities, the accreditation standards of the Correctional Education Association and the opening of new facilities. The rule is amended to provide comprehensive direction to educational staff on administrative procedure for the Alternative Educational Education Program at the RI Training School including: provisions for securing school approval, the duties of the Principal, the chain of authority, program development and improvement efforts and cooperation with a community advisory board. The previous version of this policy, refiled 1/5/07, is superseded by this amended version.

In the amendment of this rule, consideration was given to the following: (1) alternative approaches and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach or duplication or overlap was identified based upon available information.

This amended rule is accessible on the R.I. Secretary of State's website (<http://www.sec.state.ri.us/ProposedRules/>) and the DCYF website (<http://www.dcyf.ri.gov>) or available in hard copy upon request (401-528-3685). Interested persons should submit data, views or written comments by July 26, 2010 to Susan Bowler, Administrator for Families and Children, Department of Children, Youth and Families, 101 Friendship Street, Providence, RI 02903 (Susan.Bowler@dcyf.ri.gov).

In accordance with RIGL 42-35-3, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

Education: Administration of the Education Program

Rhode Island Department of Children, Youth and Families
Division of Juvenile Correctional Services: Training School

Policy: 1200.1701

Effective Date: June 14, 2004

Revised Date:

Version: 21

The ~~Division of Juvenile Correctional Services: Training School~~ and Detention Center, hereafter, referred to as "the Division" or "the RITS", is established to provide short term care in a secure facility to juveniles who are pending court action or adjudicated or awaiting transfer to another facility. This care includes the ~~provision of~~ educational programming to residents which conforms to all state and federal laws. Specifically, the Principal of the Education Program ensures their responsible for ensuring:

- ~~E~~The establishment and maintenance of an educational program that complies with Rhode Island General Law and the policies and procedures ~~that are~~ established by the Rhode Island Department of Education;
- Approval of the DCYF-RI Training School Alternative Education Program by the Commissioner of Elementary and Secondary Education on behalf of the Board of Regents;
- Accreditation by the Correctional Education Association;
- ~~A~~The assessment of the ~~resident juveniles'~~ educational needs, ~~to include testing and evaluation;~~
- ~~P~~The provision of the educational programs ~~to~~ resident juveniles during detention; and
- ~~T~~The provision of the appropriate ~~transitioning~~ to community education programs upon the ~~resident juvenile's~~ release.

The Education Program does not discriminate and provides equal opportunity to all individuals according to the United States Constitution, the Social Security Act, Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), Section 504 of the Rehabilitation Act of 1973 as amended (29 U.S.C. 794), the Age Discrimination Act of 1975 as amended (42 U.S.C. 6101 et seq.), Title IX, Education Amendments of 1972 and all other relevant federal laws.

It is the Education Program's policy to make decisions regarding the treatment of residents, hiring, promoting, discipline, transferring and terminating employees, without regard to race, color, sex, national origin, religion, sexual orientation, military or veteran's status, physical or mental disability or any other characteristic protected by applicable law.

The Department of Children, Youth and Families does not tolerate sexual harassment in any form. The Education Program administration notifies staff, students and their parents/guardians of the Department's sexual harassment policies and grievance procedures to resolve complaints.

The Mission of the Education Program, as a mandatory educational program within a juvenile correctional facility, is to create a safe and consistent learning environment in which ~~all resident Training School students~~ can learn the skills, knowledge and values to succeed in school, work and the community. The Education Program recognizes the importance of achieving and maintaining the highest standards of performance. The Education Program is reviewed and evaluated by state and nationally recognized autonomous accrediting entities. This practice contributes to continuous improvement and helps to ensure the quality and integrity of services to residents.

Related Procedures

Education: Administration of the Education Program

Related Policy

Administrative Responsibility

Mission, Philosophy, Goals and Purpose

Legal Establishment

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| Discipline for Academic and Vocational Classes
| Education Program: Structure and Operations
| Training and Professional Development
| Civil Rights: Federal Laws and Regulations Regarding Nondiscrimination

Education: Administration of the Education Program

Procedure from Policy 1200.1701: **Education: Administration of the Education Program**

- A. The Principal facilitates the annual on-site review and evaluation of the Education Program required for approval by the RI Department of Elementary and Secondary Education.
 - 1. The Principal compiles the alternative education report, required for school approval every three years, and forwards it to the Superintendent for review.
 - 2. The Superintendent or designee submits the required documentation seeking approval from the Commissioner.
 - 3. The Commissioner of Education reviews the documentation.
 - a. Program approval and/or any corrective actions required are provided in writing to the Department.
 - b. The RITS Education Program responds to any corrective action required and submits documentation of corrective action to the Commissioner or designee.
 - 4. The Education Program Administration maintains documentation of:
 - a. The annual review;
 - b. Corrective action requirements, if applicable, identified by the reviewers;
 - c. Corrective action(s) that occurred, if applicable, in response to the review; and
 - d. Written approval (accreditation) to operate the Alternative Education Program.
- B. The Superintendent routinely meets with the Principal to:
 - 1. Establish and/or review educational policies and procedures;
 - 2. Identify and plan processes for quality improvement;
 - 3. Review policies and procedures at least annually and revise as needed; and
 - 4. Ensure compliance with Rhode Island General Law (RIGL) 16-12.1-1 which recognizes that educational administrators are not members of teacher collective bargaining units. To ensure the orderly and effective functioning of public education, the law requires employers to inform school administrators of the bases or reasons for their suspension, dismissal, or non-renewal of their employment relationship, and to afford administrators an opportunity to be heard.
- C. The Principal is responsible for the effective design and delivery of educational services and ensures:
 - 1. A clearly articulated mission that focuses the attention of staff and others on program goals is posted prominently within the facility, reviewed annually and revised as necessary.
 - 2. A program structure that moves residents toward greater independence by increasing life skills, productive use of leisure time and transition to the community in conformance with DCYF Policy 1200.1702, Education Program: Structure and Operations.
 - 3. Accountability in goal attainment which is monitored and documented in conformance with state and federal law and regulation.
 - 4. Accountability in Fiscal Administration:
 - a. Managing the allotment of appropriations and budget preparations.
 - b. Routinely monitoring expenses related to areas of responsibility.
 - c. Preparing itemized operational budgets for areas of responsibility and submitting them to the Superintendent or designee annually.
 - 5. Educational staff receive orientation and training in conformance with DCYF Policy 400.0000, Training and Professional Development.
 - 6. Educational staff are credentialed in conformance with DCYF Policy 1200.0000, Legal Establishment.
 - 7. A system of governance for the Education Program that delineates the chain of authority, provides adequate and appropriate decisional authority to the administrative, educational, custodial, social service and other professional staff, and defines and coordinates their roles in the effective operation of the system.

- a. The Principal provides direct supervision to the Assistant Principal, Director of Special Education, and support personnel, as appropriate.
- b. The Principal assigns supervisory duties and responsibilities as he/she deems necessary and/or appropriate.
- c. The Principal manages the daily planning and operations of the itinerant and career/technical programs and the post secondary education programs.
- d. The Director of Special Education provides direct supervision and guidance to the Resident Support Programs. He/She is responsible for managing the daily planning and operations of the Language support, Guidance and Math, English Language Learners (ELL) support, Resource support and Clinical support.
8. The program development and improvement plan is structured and monitored to:
 - a. Identify personnel training and professional development needs to maintain high teaching quality across three primary areas: knowledge of subject matter, of teaching strategies and of approaches for learning.
 - b. Implement initiatives that focus on the continual improvement of programming.
 - c. Develop standardized methods to analyze, monitor, and manage program outcomes.
 - d. Assist in the development and monitoring of short and long term goals.
 - e. Develop and manage strategies for data collection and follow-up.
9. Participation in the RI Department of Education (RIDE) student information systems as required.

D. The Principal supports a Community Advisory Board that provides an inclusive, cooperative model for involving the other state departments, members of the business community, religious community, voluntary services community, and social service community in advising and devising programming, in supporting and advocating for the residents as they attempt to build new and successful lives in the community.

E. The Principal applies for and facilitates the Correctional Education Association (CEA) on-site review, evaluation and accreditation of the education program which occurs every three years. The Education Program Administration will maintain documentation of:

1. The CEA review;
2. Corrective action requirements if identified by the reviewers;
3. Corrective action(s) that occurred in response to the review; and
4. Written approval (accreditation) from the CEA.

F. In compliance with DCYF Policy 100.0140, Civil Rights: Federal Laws and Regulations Regarding Nondiscrimination, the Education Program administration notifies staff and residents about their rights and grievance procedures to resolve complaints.

Paragraphs A - F are consistent with Correctional Education Association Standards 1-12; 14 -19; 27 - 29; and 64 – 67, as well as, American Correctional Association Standards 3-JDF-5C-01; 3-JTS-5D-01; 3-JTS-5D-02; 3-JTS-5D-04; 3-JTS-5D-05; 3-JTS-5D-08; 3-JTS-5D-09; 3-JTS-5D-10; 3-JTS-5D-11; 3-JTS-5D-13; 3-JTS-5D-14; and 3-JTS-5D-15.

G.
~~A. The Superintendent of the Rhode Island Training School (RITS) has the overall governing authority for the Education Program. The Principal of the Education Program is the immediate authority. The Principal is responsible for the overall administration, organization, and management of the Education Program.~~

~~B. The Principal develops, implements, and manages all aspects of the Education Program, according to the parameters that are established by the Rhode Island Department of Education, this policy, the DCYF, and the law.~~

~~C. The Principal or his/her designee ensures that program components address the following:~~
~~1. Assessment and Education Program Planning:~~

- ~~a. Assessing students' strengths and weaknesses through the use of a variety of screening techniques and instruments;~~
 - ~~a. Identifying any difficulties experienced by students in school and communicating that information to professional support staff;~~
 - ~~b. Distributing the assessment data for overall education planning;~~
 - ~~c. Facilitating any specialized medical and/or psychological testing that is determined to be essential; and~~
 - ~~d. Offering a diagnostic perspective of each student's educational needs to the school, court or other involved agencies/individuals.~~
 - ~~1. Social and Educational Skills Development::~~
 - ~~a. Focusing primarily on coping skills for daily detention living and re-socialization skills for return to the community;~~
 - ~~b. Providing counseling services for support and information for students to reduce their anxiety about their status;~~
 - ~~c. Improving the quality of staff-student relationships, helping students to more positively respond to adults as authority figures; and~~
 - ~~d. Assisting students to increase and improve their independent problem-solving skills.~~
 - ~~2. Education:~~
 - ~~a. Providing an educational experience that promotes achievement and replaces patterns of failure with patterns of success;~~
 - ~~b. Providing educational services that motivate students to continue their education upon release;~~
 - ~~c. Providing career/occupational counseling and experiences that emphasize occupational interests, skills, knowledge, habits and attitude required for successful employment; and~~
 - ~~d. Introducing community resources that support and sustain students.~~
 - ~~4. Fiscal Administration:~~
 - ~~a. Managing the allotment of appropriations and budget preparations.~~
 - ~~b. Routinely monitoring expenses related to areas of responsibility.~~
 - ~~c. Preparing itemized operational budgets for areas of responsibility and submitting them to the Superintendent or his/her designee each year.~~
- ~~D. The Superintendent routinely meets with the Principal to establish and/or review policies and procedures for the Education Program, and to identify and plan processes for quality improvement. All Education Program policies and procedures are reviewed (and revised as appropriate) at least annually.~~
- ~~E. Rhode Island General Law (RIGL) 16-12-1-1 recognizes that administrators are not members of teacher collective bargaining units and, therefore, are not protected by the terms of teacher bargaining agreements. The law states: "While clearly intending neither to interfere with the discretion of school committees to choose those who shall administer local schools nor to grant tenure to school administrators, the general assembly deems it necessary to the orderly and effective functioning of public education to inform school administrators of the bases or reasons for their suspension, dismissal, or non-renewal of their employment relationship, and to afford administrators an opportunity to be heard before the school committee. Full disclosure of the bases or reasons for suspension, dismissal, or non-renewal and the hearing which may follow, while providing administrators and school committees a meaningful hedge against mistaken or impermissible actions as well as an opportunity to question and confront those individuals whose judgment or allegations furnish the basis for the actions taken, are ultimately intended to erase harmful innuendo from any suspension, dismissal, or non-renewal of an administrator."~~
- ~~F. In compliance with RIGL 42-72-6-2, the Education Program, with full and reasonable staff and community participation, prepares a detailed comprehensive educational plan for providing adequate and appropriate educational services to all residents of the Training School, without exception, as provided by state law. This comprehensive plan shall include, but not be limited to, the following elements:~~
- ~~1. A mission statement, in strict conformance with state and federal law and state regulations, that clearly delineates the goals and objectives of the Education Program, and provides an effective guide for the employment of resources, and for expectations of the youth, parents, professional staff, the judiciary, and the citizens of the state of Rhode Island about their roles and responsibilities in the system;~~
 - ~~2. A system of governance for the Education Program that delineates the chain of authority, provides adequate and appropriate decisional authority to the administrative, educational, custodial, social service~~

~~and other professional staff, and defines and coordinates their roles in the effective operation of the system;~~

~~3.A state of the art educational program that addresses the profound and diverse needs of incarcerated youth and includes, but is not limited to, the following elements:~~

~~a.Programming for youth who have not graduated from secondary school including: academic, technical, computer, life and career skill development;~~

~~b.Programming for students who have completed a secondary school program or who have obtained a general equivalency diploma (GED), including: college courses, career and technical courses, life and parenting skills, and job readiness;~~

~~c.Programming as above for students with limited English proficiency or other special needs;~~

~~d.Educational programming that provides special educational programming to residents in conformance with their needs, as well as state and federal law, but which does not limit the school curriculum to special educational services;~~

~~e.A "total programming" approach that places the educational service component in the context of a youth centered rehabilitative program that concentrates on the development of educational and social competence in residents;~~